

TEXAS WIC PROGRAM

SUBJECT: **PHYSICAL PRESENCE**

POLICY NO.: **CS: 02.3**

EFFECTIVE DATE: **Proposed - New**

REF.: Federal Regulations, 7 CFR PART §246

POLICY

Individuals seeking participation in the WIC Program shall be physically present at the initial WIC certification and the subsequent certifications, except in certain limited circumstances.

PURPOSE

The physical presence of an individual at certification is basic to WIC Program effectiveness. The physical presence requirement not only improves program accountability and integrity, it also facilitates an individual's access to other needed health and social services.

PROCEDURE

- I. All applicants/participants shall be physically present at initial and subsequent certifications. This includes pregnant, breastfeeding, and postpartum women, infants, and children less than five years of age.
- II. Newborn infants, less than one month of age, may be allowed to be certified without being physically present if all required documentation is available. If the local agency elects to implement this practice, the parent/guardian/caregiver shall present the infant to WIC staff by the infant's six week birth date.
 - A. Document the physical presence of the infant in the client's record per local agency policy. (See V. of this policy.)
 - B. Document the date of the physical presence.
- III. The exceptions to the applicant/participant being physically present include:
 - A. Exceptions for Reasonable Accommodations of Disabilities for Women, Infants, and Children.
 1. An applicant or parent/caretaker of an applicant who is a qualified individual with disabilities and is unable to be physically present at the WIC clinic because of their disabilities, may be certified without being physically present. (Note: Not all persons with disabilities are automatically exempt.) Conditions which meet this standard are:
 - a. Medical condition that necessitates the use of medical equipment that is not easily transportable.

- b. Medical condition that requires confinement to bed rest.
 - c. A serious illness that may be exacerbated by coming into the clinic.
- 2. A verbal declaration of exception status is acceptable and shall be documented in the client's record.

B. Exemption for Infants and Children

- 1. An infant or child who was present at his/her initial WIC certification and has documented ongoing health care from a provider other than the local agency may be exempted from the physical presence requirement, if being physically present would cause an unreasonable barrier.
 - a. The health care source shall be documented on the Infant/Child Participant Form.
 - b. Verbal declaration of a health care source is acceptable.
- 2. An infant or child who was present at his/her initial WIC certification and who may not have ongoing health care, may be exempted from the physical presence requirement if the infant or child
 - a. was present at a WIC certification or subsequent certification determination within the one-year period of current certification; and
 - b. is under the care of one or more working parents/guardians whose working status presents a barrier to bringing the infant or child in to the WIC clinic.
- 3. A verbal declaration of exception status is acceptable and shall be documented in the client's record.
- 4. A hard copy of the infant's/child's height, weight, hemoglobin or hematocrit shall be required if he/she is not physically present. (For accepting data from a health professional, see policy CS:04.9.)

IV. Length of Waiver

- A. Short-term situation or condition: An applicant/participant may be exempt from the physical presence requirement for one certification period. The Certified Professional Authority (CPA) shall reassess the exception situation at each certification.
- B. Long-term/Permanent condition: An applicant/participant may be exempt from the physical presence requirement for an extended period of time. The CPA may reassess the exception situation at each certification.
- C. The CPA shall determine the length of the waiver and complete the Physical Presence

Waiver Form. The completed form shall be filed in the applicant/participant's record and kept for an audit/review.

- D. When the CPA signs the Supplemental Information Form (SIF), WIC-35-1, he/she is authorizing the waiver.

V. Documentation of Physical Presence

- A. Each local agency shall develop a local policy on the procedure that will be used to document the physical presence of an applicant/participant. The local policy shall be specific. The policy shall be kept for an audit/review. See guidelines for examples.
- B. Each local agency shall complete and file in the client's record the "Physical Presence Waiver Form" for each applicant or participant that is not physically present for their certification.

DEFINITIONS

Applicants: Pregnant women, breastfeeding women, postpartum women, infants, and children who are applying to receive WIC benefits under the program. Applicants include individuals who are currently participating in the program but are reapplying because their certification period is about to expire.

Individuals with Disabilities: A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

GUIDELINES

- I. Examples of local procedures to document an applicant's/participant's physical presence for a certification or subsequent certification.
 - A. Purchase a stamp stating "Applicant/Participant Physically Present" and stamp when the individual is present, stamp the comments section box of the WIC-35 or another certification form. In your policy, you shall specify which where/which form it will be stamp on. If the WIC-35 does not have the stamp, there shall be a Physical Presence Waiver Form in the client's chart.
 - B. Write the words physically present on the (name a specific form or place) form/sheet. If the words are not written on the form/sheet, there shall be a Physical Presence Waiver Form in the client's chart.
 - C. Write the initial PP next to the applicant's/participant's name on the participant form. If

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the initials PP are not next to the applicant's/participant's name, there shall be a Physical Presence Waiver Form in the client's chart.